IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 19696 of 2004

Between:

Y. Raghavaiah S/o Y. Rama Rao
Sri Durga Malleswara Swamy Varla Devastanam Vijayawada,

R/o H. No. 2-4-86,
Vijayawada, Krishna District

..... PETITIONER

AND

1 The Commissioner, Hindu Religious and Chartable Endowments, Tailk

Road, Hyderabad.
2 Sri Druga Malleswara Swamy Varla Devastanam, Indrakeeladri Vijayawada,

rep by Executive Officer

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandmaus, or any other appropriate, Writ, declaring the action of the 2nd respondent in terminating the services of the petitioner as NMR in the Stationery Department of 2nd respondent Devastanam, without there being any notice or order, as illegal, arbitrary and violative of Principles of natural Justice apart from Art. 14 and 21 of Constitution of India and consequently direct the respondents herein to continue the petitioner NMR in the 2nd respondent-Devastanam along with others.

Counsel for the Petitioner: MR.METTA CHANDRA SEKHAR RAO

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following :

ORAL ORDER:

The petitioner has filed this writ petition seeking a Mandamus to declare the action of the 2nd respondent in terminating the services of the petitioner as NMR in the Stationery Department of the 2nd respondent-Devastanam without there being any notice or order as illegal and arbitrary.

It is not disputed by the learned counsel for the 2nd respondent before this Court that the petitioner worked as NMR for sometime i.e. from 16.10.2003 to 28.9.2004, subsequently, he was removed from service on oral instructions given by the 2nd respondent and presently, as the petitioner has no work, he has been engaged in the 2nd respondent-Devasthanam. But, the question is whether any appropriate orders have been passed before discontinuing him from service as NMR.

The petitioner seems to have been removed from service without any reasonable opportunity being afforded to him. Challenging the same, this writ petition is filed.

In the light of the above circumstances, I deem it appropriate to direct the respondents to continue the petitioner in his post as N.M.R. However, this order will not preclude the respondents from taking any action in accordance with law.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

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(K.C. BHANU, J.)

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

29th November, 2004.

bcj

To

1 The Commissioner, Hindu Religious and Chartable Endowments, Tailk

Road, Hyderabad.
2 The Executive Officer, Sri Druga Malleswara Swamy Varla Devastanam, Indrakeeladri, Vijayawada,

3. Two CCs to G.P for Endowments, High Court Buildings, Hyderabad(OUT).

4. Two CD copies